

03-O-1841

**AN ORDINANCE BY:  
COUNCILMAN HOWARD SHOOK AS SUBSTITUTED BY  
COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AMENDING BY SECTION 19-1014(c) AND 19-1014(e) OF THE ATLANTA CITY CODE FOR THE PURPOSE OF EXTENDING THE DATE BY WHICH PRE-ORDINANCE IMPACT FEE CREDITS MUST BE UTILIZED BY THOSE PERSONS TO WHOM SUCH CREDITS WERE ISSUED; AND FOR OTHER PURPOSES.**

**WHEREAS**, on March 18, 1993, the City Council of the City of Atlanta passed Ordinance 92-O-1817 which imposed the City of Atlanta Development Impact Fee Ordinance (the "Impact Fee Ordinance") to regulate the use and development of land such that new growth and development would bear a proportionate share of the cost of public facilities needed to provide services; and

**WHEREAS**, on March 26, 1993, the Impact Fee Ordinance became effective by operation of law; and

**WHEREAS**, the Impact Fee Ordinance, as now codified in Section 19-1001 *et seq* of the Atlanta City Code, also allowed for credits against future impact fees to be given for the construction, contributions or dedications by developers which had occurred prior to the effective date of the Impact Fee Ordinance ("pre-ordinance credits"); and

**WHEREAS**, pre-ordinance credits were given only for those projects, which involved the construction, contributions or dedications of improvements that provided additional public facilities needed to serve new growth and development; and

**WHEREAS**, the Impact Fee Ordinance required that pre-ordinance credits granted for the construction, contributions or dedications of improvements that provided additional public facilities be applied for prior to April 1, 1994 such that the amount of such pre-ordinance credits is now fixed and cannot be increased; and

**WHEREAS**, the Impact Fee Ordinance provided that the pre-ordinance credits must be used within ten years of the effective date of the Impact Fee Ordinance, which date is March 26, 2003; and

**WHEREAS**, the Impact Fee Ordinance currently provides that pre-ordinance credits must be used on or before March 26, 2004; and

**WHEREAS**, the Department of Planning and Neighborhood Development desires time to review the policies related to the expiration of pre-ordinance credits prior to their expiration;

**THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY  
ORDAINS AS FOLLOWS:**

**SECTION 1:** That the language of Section 19-1014(c) of the Atlanta City Code be and is amended to read as follows:

- (5) The time for persons entitled to a pre-ordinance credit for construction, contributions or dedications pursuant to subsection 19-1014(e), and limited by subsection 19-1014(c)(3) to 10 years from the effective date, is extended **until March 26, 2007.**

**SECTION 2:** That Section 19-1014(e) of the Atlanta City Code be and is amended to read as follows:

- (4) The time for the director to deduct from the present value of the development impact fee the present value of the development impact fee that would have been charged for buildings or improvements within the project had this chapter been in effect on the date that the building permit(s) for construction of said buildings or improvements was filed and which is limited by subsection 19-1014(e)(4) to permits filed prior to 10 years from the effective date is extended **until March 26, 2007.**